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# UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No.

4821-362

Total Pages

37

First Named Inventor or Application Identifier

A. ABERG

Express Mail Label No.

PTO  
09/44/218  
11/28/98

Only for new nonprovisional applications under 37 CFR 1.53(b))

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents,  
Box Patent Application  
Washington, DC 20231

- Fee Transmittal Form  
Submit an original, and a duplicate for fee processing)
2. ☒ Specification [Total Pp. 35]  
(preferred arrangement set forth below)
- Descriptive title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R&D
  - Reference to Microfiche Appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Claim(s)
  - Abstract of the Disclosure
3. ☐ Drawing(s) (35 USC 113) [Total Sheets 0]
4. ☒ Oath or Declaration [Total Sheets 2]
- a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17 completed)  
[Note Box 5 below]
  - i. ☐ DELETION OF INVENTORS(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).
5. ☒ Incorporation By Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Copy
  - b. ☐ Paper Copy (identical to computer copy)
  - c. ☐ Statement verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney (when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☒ Information Disclosure ☐ Copies of IDS Statement (IDS)/PTO-1449 Citations
12. ☒ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
14. ☐ Small Entity ☐ Statement filed in prior application, Statement(s) Status still proper and desired
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Other:

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09/039,260 filed, March 16, 1998, now pending.

## 18. CORRESPONDENCE ADDRESS

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or ☐ Correspondence address below

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SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior application: Examiner Crane, L.Art Unit 1623

Assistant Commissioner for Patents  
 Box PATENT APPLICATION  
 Washington, D.C. 20231

*PreCmnd*  
*2A*  
*MW*

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/039,260 filed on March 16, 1998

of A.K. Gunner Aberg, John R. McCullough, Emil R. Smith  
 (inventor(s) currently of record in prior application)

for METHODS FOR TREATING URTICARIA USING DESCARBOETHOXYLORATADINE (As Amended)  
 (title of invention)

1. ☒ The filing fee is calculated below:

## PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	7	-20	0	\$22.00 each	0.00
Independent	1	-3	0	\$82.00 each	0.00
Basic Fee					790.00
Multiple Dependency Fee If Applicable (\$270.00)					
Total					790.00
50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					-
Total Filing Fee					\$ 790.00

2. ☒ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

3. ☒ Amend the ~~specification by inserting before the first line the following sentence:~~ The present invention is a division of application no. 09/039,260, filed March 16, 1998, which is a division of application no. 08/783,393, filed January 13, 1997, now U.S. Patent 5,731,319, which is a division of application no. 08/366,651, filed December 30, 1994, now U.S. Patent 5,595,997.

*a*

- 4a. ☒ Please cancel claims 1-33 and 41-47 without prejudice prior to calculating the application fee.

- 4b. ☐ New formal drawings are enclosed.
- 4c. ☐ Informal drawings are enclosed.
- 5a. ☐ Priority of application no. filed on in is claimed under 35 U.S.C. §119.
- 5b. ☐ The certified copy has been filed in prior application no. , filed .
6. ☒ The prior application is assigned of record to Sepracor Inc. as recorded on March 6, 1995 at Reel 7432 and Frame 0712 (See 08/366,651).
- 7a. ☒ The Power of Attorney appears in the original papers in the prior application no. 08/366,651, filed December 30, 1994.
- 7b. ☐ Since the Power of Attorney does not appear in the original papers, a copy of the Power in prior application no. , filed is enclosed.
8. ☐ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no. , filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.
9. ☐ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
10. ☒ An Information Disclosure Statement and Preliminary Amendment are being filed concurrently herewith.

Nov. 23, 1999  
(date)

Respectfully submitted,  
*Jeffrey A. Wolfe* (42,234)  
*for Stanton T. Lawrence, III* 25,736  
Stanton T. Lawrence, III (Reg No.)

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